(*Chapter I.—Preliminary.*)

REGULATION No. I OF 1912.

[THE LACCADIVE ISLANDS AND MINICOY REGULATION, 1912.]

[*22nd January 1912* ; *3rd February 1912.*]

A Regulation to declare the Law applicable to the Laccadive Islands and Minicoy.

WHEREAS it is expedient to declare the law applicable to the Laccadive Islands and Minicoy ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (1) This Regulation may be called the Laccadive Islands and Minicoy Regulation, 1912 ; and

(2) It extends to the Laccadive Islands and Minicoy.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(i) " the islands " mean the Laccadive Islands and Minicoy ;

(ii) " the Inspecting officer " means any officer directed by the [1][State Government] or Collector to inspect the islands or any of them ; [2][ ]

[3][(ii-*a*) ' amin ' includes a deputy amin when exercising any power or discharging any duty of an amin under this Regulation ;]

(iii) words and expressions used herein and defined in the Indian Penal Code have the same meaning respectively attributed to them in that Code. Central Act XLV of 1860.

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[1] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[2] The word " and " was omitted by section 2 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1949 (Madras Regulation I of 1949).

[3] This clause was inserted by section 2 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1949 (Central Regulation I of 1949).

(*Chapter II.—Law Applicable.*
Chapter III.—Criminal Justice.)

CHAPTER II.

LAW APPLICABLE.

Law applicable.

3. Notwithstanding anything in any enactment now in force, this Regulation, [1][the Bengal State Prisoners Regulation, 1818], the Madras State Prisoners Regulation, 1819, the State Prisoners Act, 1858, [2][the Indian Penal Code], [3][the Scheduled Districts Act, 1874, and to the extent specified in section 35 of this Regulation, the Code of Criminal Procedure, 1898] shall be the only enactments in force in the islands.

Central Act III of 1818. Central Act II of 1819. Central Act III of 1858. Central Act XLV of 1860. Central Act XIV of 1874. Central Act V of 1898.

CHAPTER III.

CRIMINAL JUSTICE.

4. [*Repealed by Central Regulation I of* 1926.]

Minor offences and punishment.

[4]5. [Whoever—

(*a*) uses abusive language to another,

(*b*) obstructs any person in seizing stray cattle,

(*c*) without reasonable cause fails to attend the kacheri when ordered to do so,

shall be punishable with imprisonment for a term which may extend to fifteen days, or with fine which may extend to fifteen rupees, or with both.]

6. [*Repealed by Central Regulation I of* 1926.]

Failure to give information of birth or death.

7. Whoever fails to give information of a birth or death in his house shall be punishable with fine which may extend to five rupees.

Failure to obey reasonable order of amin.

8. (1) Whoever, when ordered to do so by the amin,—

(*a*) fails to assist in launching or drawing up a boat.

(*b*) fails to attend when called upon to assist in protecting coconut plantations from the ravages of rats,

shall be punishable with fine which may extend to two rupees :

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[1] These words were inserted by the Adaptation Order of 1937.

[2] The words "the Indian Penal Code" were inserted by section 2 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926 (Central Regulation I of 1926).

[3] These words and figures were substituted for the words and figures "and the Scheduled Districts Act, 1874" by section 3 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1949 (Madras Regulation I of 1949).

[4] Section 5 was substituted for the original section by section 4 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926 (Central Regulation I of 1926).

(Chapter III.—Criminal Justice.)

Provided that a fine imposed under clause (*b*) may be refunded if the offender within forty-eight hours makes reparation to the satisfaction of the amin and assessors.

[1][(2) Whoever disobeys any reasonable order of an amin or other public servant, or acts in such a manner as to bring into contempt the authority of such amin or other public servant, shall, in cases not punishable under the Indian Penal Code or under sub-section (1) be punishable with imprisonment which may extend to fifteen days, or with fine which may extend to fifteen rupees, or with both.] Central Act XLV of 1860.

[2][**8-A.** * * * *]

Jurisdiction, powers and constitution of the Court of the amin; reference in certain cases to superior officer.

[3][**9.** (1) The local amin of each island shall have jurisdiction to try persons accused of any of the following offences in the island, namely :—

(*a*) offences specified in sections 5, 7 and 8 ;

(*b*) offences which, if committed in an area in which the Code of Criminal Procedure, 1898, is in force, would be triable by a Magistrate of the third-class under that Code, and offences punishable under section 224 or section 500 of the Indian Penal Code ; Central Act V of 1898. Central Act XLV of 1860.

(*c*) any other offence which the [4][State Government] [5][had] [6][before the commencement of Part III of the Government of India Act, 1935] by notification in the [7][Official Gazette] [8][declared] to be triable by an amin.

(2) The amin may inflict on persons found guilty of any of the offences triable by him under the provisions of sub-section (1) the punishment prescribed therefor :

Provided that he shall not pass any sentence of imprisonment exceeding fifteen days, or of fine exceeding fifteen rupees.

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[1] Sub-section (2) of section 8 was substituted for the original sub-section by section 6, of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926 (Central Regulation I of 1926).

[2] This section was omitted by the Adaptation Order of 1937.

[3] Section 9 was substituted for the original section by section 8 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926 (Central Regulation I of 1926).

[4] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[5] This word was substituted for " may " by the Adaptation Order of 1950.

[6] These words were inserted by the Adaptation Order of 1937.

[7] These words were substituted for " Fort St. George Gazette " by *ibid.*

[8] This word was substituted for " declare " by the Adaptation Order of 1950.

(Chapter III.—Criminal Justice.)

(3) For the conduct of trials under this section the amin shall sit with four or more assessors called karnavars in the islands. Such assessors shall be specially appointed by the Collector or Inspecting officer for life, subject to good behaviour.

(4) If the amin is of opinion that an accused person tried before him is guilty of an offence triable by him under the provisions of sub-section (1) and that such person ought to receive a more severe punishment than he is empowered to inflict, he shall submit his proceedings, and forward the accused, to the Inspecting officer or the Collector, who may pass such order as he thinks fit. If the Inspecting officer or the Collector finds the accused guilty of the offence, he may inflict any punishment prescribed therefor.]

Procedure of amin in criminal cases.

10. (1) The amin may take cognizance of cases on complaint or on his own initiative.

(2) In every case the amin shall make a memorandum of the evidence of the prosecution witnesses, the plea of the accused, and the evidence of the defence witnesses.

(3) The evidence shall be taken in the presence of the accused, and the accused and the complainant shall be allowed to cross-examine the witnesses for the other side.

(4) The amin shall deliver a written judgment, recording therein the opinions of the assessors sitting with him and the reasons for his own decision.

Procedure in cases not triable by amin.

[1][**10-A.** (1) When any offence other than an offence triable by an amin is committed, the local amin shall hold an investigation, and if a *prima facie* case is made out against any person, such person shall be charged before and tried by the Inspecting officer or the Collector, or any of the Collector's assistants empowered by the Collector by general or special order in this behalf.

(2) The Inspecting officer or the Collector or any of the Collector's assistants empowered under sub-section (1), when trying a case in accordance with the provisions of sub-section (1), shall, when the trial is held in the islands, sit with two or more island assessors.

Procedure of superior officers in criminal cases.

10-B. The procedure prescribed in section 10 shall, as far as may be, be applicable to trials held by the Inspecting officer or the Collector or any of the Collector's assistants under the provisions of sub-section (1) of section 10-A.

[1] Sections 10-A to 10-E were inserted by section 9 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926 (Central Regulation I of 1926).

Security for keeping the peace and for good behaviour.

10-C. Whenever, after such inquiry as he thinks fit, the Inspecting officer or the Collector or any of the Collector's assistants empowered under sub-section (1) of section 10-A is satisfied that any person in the islands—

(*a*) is a habitual offender, or

(*b*) is likely to commit a breach of the peace or disturb the public tranquillity, or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity, or

(*c*) is so desperate and dangerous as to render his being at large without security hazardous to the community,

he may require such person to execute a bond, with sureties, for keeping the peace or for his good behaviour for such period not exceeding three years as he thinks fit to fix.

Imprisonment in default of security.

10-D. If any person required to give security under section 10-C does not give such security, he shall be committed to prison or, if he is already in prison, be detained in prison until the period fixed under section 10-C expires, or until within such period he gives the security. Imprisonment for failure to furnish security may be either simple or rigorous.

Power of superior officers to cancel bonds or to release from prison.

10-E. The Collector, or, subject to the control of the Collector, the Inspecting officer, may at any time cancel any bond for keeping the peace or for good behaviour executed under section 10-C or section 10-D, or may release from prison any person imprisoned for failure to give security.]

Withdrawal or transfer by Collector.

11. (1) The Collector may withdraw to his own file any case pending before the Inspecting officer or an amin.

(2) The Collector may transfer any case pending before himself or before the Inspecting officer to any of [1][the Collector's assistants] for trial.

(3) The Inspecting officer may withdraw to his own file any case pending before an amin.

Appeals from decisions of amin.

12. From any sentence or order passed by an amin an appeal shall lie either to the Collector or the Inspecting officer in cases in which the Collector or the Inspecting officer grants special leave to appeal.

Appeals from decision of the Island Inspecting officer or Collector's Assistant.

13. Any person convicted by the Inspecting officer or by a [2][Collector's assistant] may appeal (*a*) to the High Court if the sentence is one of death or of imprisonment for five years or upwards, and (*b*) to the Collector in other cases if the sentence exceeds three months' imprisonment or one hundred rupees fine.

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[1] The words "the Collector's assistants" were substituted for the words "his Divisional officers" by section 10 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926 (Central Regulation I of 1926).

[2] The words "Collector's assistant" were substituted for the words "Divisional officer" by section 11, *ibid.*

(*Chapter III.—Criminal Justice.*)

Appeals from the Collector.

14. [1][From any sentence exceeding three months' imprisonment or one hundred rupees fine or any order][2][other than an order under section 10-C or section 10-D] passed by the Collector as a Court of original criminal jurisdiction an appeal shall lie to the High Court.

No second appeals.

15. No second appeal shall lie in any case whatever.

Provision as to stamps.

16. Every appeal shall be stamped with an eight-anna stamp, and shall be accompanied by a copy on stamped copy paper of the judgment or order appealed against:

Provided that nothing in this section shall apply to an appeal by a prisoner.

Limitation of appeal.

17. Every appeal shall be filed within six months from the date of the judgment or order appealed against:

Provided that the months of June, July, August and September shall be excluded in reckoning such period.

Representation of parties.

18. No pleader shall be allowed in any Court except with the special permission of the Collector. Parties may, however, be represented by their island mukhtyars.

Debarring of mukhtyar in certain cases.

[3][**18-A.** (1) If a mukhtyar has, in the opinion of not less than two-thirds of the karnavars of the island appointed under sub-section (3) of section 9, failed to conduct himself in a proper manner, they may by order debar him from acting as a mukhtyar except for his relatives.

(2) If any question arises whether a mukhtyar is or is not a relative of a party, it shall be decided by the amin.

(3) An appeal shall lie to the Collector or to the Inspecting officer from any order debarring a mukhtyar under sub-section (1) or from any decision of the amin under sub-section (2).

(4) The provisions of sections 15 to 17 shall apply to an appeal under sub-section (3).]

Powers-of-attorney.

19. Every mukhtyar, appearing before a Court on the mainland on behalf of a party in the islands, must produce a stamped mukhtyarnama or power-of-attorney bearing a court-fee stamp of eight annas.

Detention of convicts in common jail in certain cases.

20. Any person convicted of a criminal offence and sentenced to a term of imprisonment exceeding two months by a Court on the islands, or to any term of imprisonment by a Court on the mainland, may be sent for imprisonment to the Cannanore Central Jail.

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[1] These words were substituted for "From any sentence or order" by section 4 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1949 (Madras Regulation I of 1949).

[2] These words were inserted by section 12 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926 (Central Regulation I of 1926).

[3] This section was inserted by section 2 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1941 (Madras Regulation I of 1941).

CHAPTER IV.

CIVIL JUSTICE.

Law to be administered in civil courts.

21. All questions relating to any rights claimed or set up in the Civil Courts of the islands shall be determined in accordance with any custom not manifestly unjust or immoral governing the parties or property concerned, and in the absence of any such custom, according to justice, equity and good conscience.

Period of limitation for suits.

[1][**21-A.** Every suit instituted after a period of three years from the date on which the cause of action arose shall be dismissed, although limitation has not been set up as a defence :

Provided that this section shall not apply to suits instituted before or within one year after the commencement of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926.]

Constitution of Civil Courts.

22. The local amin of each island sitting with four or more assessors shall be the Civil Court for the island, and shall have jurisdiction over all civil claims arising therein.

Commencement of suit.

23. Every suit shall be commenced by presenting a plaint to the amin having jurisdiction over the suit.

Transferred suits.

24. The Collector or the Inspecting officer may transfer any civil suit to his own file and shall then proceed to try it sitting with two or more of the island assessors. The Collector may transfer any such suit from his own file to that of any of his [2] [assistants] who shall proceed to try the case with two or more such assessors.

Reference to assessors.

25. (1) The Collector or the Inspecting officer may refer any case for disposal or report to two or more of the island assessors. When it is referred for disposal, the assessors shall report their decision to the Court referring the case.

(2) The parties may challenge any assessor, and on sufficient reason being given another assessor shall be selected in his place.

(3) The parties shall be allowed to attend the hearing of the suit in person or by a mukhtyar, and the evidence shall be taken in open Court.

(4) The officer trying the suit shall make a memorandum of the evidence of each witness as it is given, and shall, after the conclusion of the hearing, pronounce judgment in

[1] Section 21-A was inserted by section 13 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926 (Central Regulation I of 1926).

[2] The word " assistants " was substituted for the words " Divisional officers " by section 14, *ibid.*

open Court either in the presence of the parties or after notice to them. The judgment shall be in writing and shall contain the points for determination and the decision thereon.

Appeals.

26. (1) An appeal shall lie from the decision of the amin to the Inspecting officer or to the Collector. The Collector may transfer any such appeal to the Inspecting officer or [1][one of the Collector's assistants] for disposal.

(2) No appeal shall ordinarily lie from a decision of the Inspecting officer in the exercise of his original jurisdiction, but an appeal may be admitted by the Collector if sufficient grounds are shown. From a decision of a [2][Collector's assistant] in the exercise of his original jurisdiction on appeal shall lie to the Collector.

(3) Save as otherwise provided in section 31, an appeal shall lie to the High Court from any decision of the Collector in the exercise of his original jurisdiction.

Application of certain sections to civil cases.

27. The provisions of sections 15, 16, 17, 18, [3] [18-A] and 19 shall also apply to civil cases.

Execution of decrees.

28. All decrees shall ordinarily be executed by the amin of the island where the suit was instituted. But the Collector or the Inspecting officer may execute his own decrees if convenient.

Resistance to execution.

29. If a judgment-debtor wilfully refuses to obey the decree of the Court, he shall be liable to punishment under section 8, sub-section (2), and where the amin is of opinion that such punishment is inadequate, the procedure prescribed in section 9 [4] [sub-section (4)], shall be followed.

Attachment and sale.

30. Cases in which attachment and sale of property is found necessary shall be reserved for the Inspecting officer, who shall attach the property of the judgment-debtor and sell it in execution of the decree.

Service of process.

31. Decrees or processes issued by a main land Court against an islander, or by one island Court against a person residing in another island, shall be forwarded to the Collector for execution; and he shall cause it to be executed unless for reasons to be recorded in writing he may consider execution

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[1] The word "one of the Collector's assistants" were substituted for the words "any other of his Divisional Officers" by section 15 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926 (Central Regulation I of 1926).

[2] The words "Collector's assistant" were substituted for the words "Divisional officer" by *ibid.*

[3] These figures and letter were inserted by section 3 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1941 (Madras Regulation I of 1941).

[4] The word and figure "sub-section (4)" were substituted for "sub-section (3)" by section 16 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926 (Central Regulation I of 1926).

inadvisable, in which case he may refuse to execute it. In the case of any such refusal an appeal shall lie to the [1][State Government].

Saving of inherent powers of Civil Court.

32. Nothing in this Regulation shall be deemed to limit or otherwise affect the inherent power of a Civil Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the powers of the Court.

CHAPTER V.

MISCELLANEOUS.

Power of State Government to exclude from any island persons not natives of that island.

[2] [**33.** The [1][State Government] may by order—

(*a*) prohibit any person from visiting or taking up his residence in an island of which he is not a native, and

(*b*) require any person to leave an island of which he is not a native,

and may make such rules as [3][they deem] fit to carry out the purposes of this section.]

Power of Collector to send police force from the mainland to the islands.

[4] [**34.** (1) The Collector may, whenever he considers it necessary, by order, direct such number of Police officers as he deems fit, to proceed to the islands and remain there for such period as may be specified in the order.

(2) The Collector himself, or any Magistrate specified by him in this behalf, may proceed to and remain in the islands during the period aforesaid or any part thereof:

(3) The Collector may cancel, or from time to time modify, any order issued by him under sub-section (1).]

Application of sections 127 to 132 of the Code of Criminal Procedure to the islands.

[4]**35.** So long as an order issued under sub-section (1) of section 34 remains in force, the provisions of Chapter IX of the Code of Criminal Procedure, 1898, shall apply to the islands with the substitution (*a*) for the references to 'Magistrate' and 'Magistrate of the highest rank' occurring therein, of references to the Collector or Magistrate, who is for the time being in the islands in pursuance of sub-section (2) of that section and (*b*) for the references to 'officer in charge of a police station,' of references to any police officer not

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] Section 33 was substituted for the original section by section 17 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1926 (Central Regulation I of 1926).

[3] These words were substituted for the words "he deems" by the Adaptation Order of 1937.

[4] Sections 34 to 36 were added by section 5 of the Laccadive Islands and Minicoy (Amendment) Regulation, 1949 (Madras Regulation I of 1949).

(*Chapter V.—Miscellaneous.*)

below the rank of Sub-Inspector, who is for the time being in the islands in pursuance of the order aforesaid.

Deputy amin to exercise the powers and perform the duties of an amin in certain cases.

36. The [1] [State] Government may, from time to time, by general or special order, authorize any deputy amin to exercise such of the powers or discharge such of the duties of an amin under this Regulation as may be specified in the order.

PART IV.

UNREPEALED MADRAS REGULATIONS MADE UNDER SUB-SECTION (2) OF SECTION 92 OF THE GOVERNMENT OF INDIA ACT, 1935, AND PARAGRAPH 5 (2) OF THE FIFTH SCHEDULE TO THE CONSTITUTION OF INDIA.

MADRAS REGULATION No. I OF 1937.

[THE MADRAS AGENCY RULES (AMENDMENT) REGULATION, 1937.]

[*21st December 1937.*]

A Regulation to amend the Madras Agency Rules for certain purposes.

WHEREAS it is expedient to amend the rules made under section 6 of the Scheduled Districts Act, 1874 (XIV of 1874), for the administration of the Agency tracts of the Province of Madras and for the regulation of the procedure of the officers appointed to administer them for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This regulation may be called the Madras Agency Rules (Amendment) Regulation, 1937.

Amendment of certain provisions of the Agency Rules.

2. In the rules made under section 6 of the Scheduled Districts Act, 1874 (XIV of 1874), for the administration of the Agency tracts of the [2] [State] of Madras and for the regulation of the procedure of the officers appointed to administer them (hereinafter referred to as the said rules), for the words " Agents to the Governor " and " Agent to the Governor " wherever they occur the words " Agents to the [1] [State] Government " and " Agent to the [1] [State] Government " shall respectively be substituted.

[1] This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

[2] This word was substituted for the word " Province " by *ibid.*